

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits – Arbitration – An amount of Rs.12,50,000/- as full and final settlement of Arbitral award dated: 29.08.1990 the Judgement and decree dated: 07.07.2004 in O.P.No.281/92 on the file of the 1st Senior Civil Judge, City Civil Court, Hyderabad as per the directions of Hon`ble High Court, dated: 30.10.2007 in C.M.A No.818/07 and C.R.P (SR) No.33674/2005, in respect of the work relating to "Earth work excavation of Vempadu Major (Head reach) from Km. 9.800 to Km.10.500 in Block No.21/11" carried out by Sri P.V. Krishna Prasad, Contractor – Sanctioned – Orders issued.

IRRIGATION AND COMMAND AREA DEVELOPMENT(ARB) DEPARTMENT
G.O Ms. No. 115
Dated: 02.11.2010.
Read the following:--

- 1) From the Hon`ble High Court of A.P., Hyderabad Common Order dated: 30.10.2007 in C.M.A No.818/2007 and CRP (SR) No.33674/05.
- 2) From the C.E., NSP, Camp Office, Hyderabad letter No.CE/NSP/CO/HYD/OT3/ATO/PMKR-91/758, dated: 04.07.2009.
- 3) From Sri P.M.K Raju,G.P.A Holder of Sri P.V.Krishna Prasad Contractor, representation dated: 14.12.2007.
- 4) From the ENC(Irrigation), letter No. ENC(I)/DCE(GDS) /OT2/AEE2 /ARB/Vempadu-9.80 to 10.50/2009, dated: 19.02.2010 .
- 5) From the ENC(Irrigation), letter No. ENC(I)/DCE(GDS) /OT2/AEE2 /ARB/Vempadu-9.80 to 10.50/2009, dated: 26.03.2010.

ORDER:

Sri P.M.K Raju, G.P.A Holder of Sri P.V Krishna Prasad, Contractor, in his representation 3rd read above has stated that the "Earth work excavation of Vempadu Major (Head reach) from Km. 9.800 to Km. 10.500 in Block No.21/11" was awarded to Sri P.V Krishna Prasad, Contractor, under Agreement No.46/SE/NZD/78-79 dt:17.10.1978. During the execution of the work certain disputes have arisen between the contractor and the Department. Those disputes were referred to the Sole Arbitrator Justice K. Padmanabha Goud, Retired District and Sessions Judge. The Hon`ble Arbitrator made and signed the Award on 29.08.1990. The Government has filed O.P.215/1992 to set aside the above Arbitral Award and the contractor has also filed O.P. No.281/1992 to make the award as rule of court, before 1st Senior Civil Judge, City Civil Court, Hyderabad. By a common order dated: 07-07-2004, the Hon`ble 1st Senior Civil Judge, City Civil Court, Hyderabad while allowing the O.P.281/92 has made the award as rule of Court and passed a decree and dismissed the O.P.No.215/92. Aggrieved by the said Judgment and decree, the Government has filed C.M.A. No.818/07 and C.R.P.(SR) No.33674/2005. The Hon`ble High Court in its order 1st read above while disposing the case have directed the respondents-claimants to approach the Principal Secretary of the Irrigation and Command Area Development Department by filing appropriate comprehensive representation on behalf of the claimants. On filing of which, the said authority shall hear both sides after giving notice and opportunity and make an effort to conciliate and settle the claims. The respondent-claimants shall file the said representation within a period of three weeks from the date of receipt of a copy of this order and the Principal Secretary of the said authority shall conciliate the meetings and try to settle the matter within a

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period of three months thereafter. Accordingly, Sri P.M.K Raju, GPA holder of Sri P.V Krishna Prasad, contractor in his representation 2nd read above has requested the Government to convene a meeting for settlement of the awarded amount as directed by the Hon`ble High Court of A.P., Hyderabad in its common order dated: 30.10.2007.

2. In pursuance of the directions of the Hon`ble High Court, dated: 30.10.2007 in C.M.A. No.818/07 and C.R.P.(SR)No.33674/2005 the matter has been discussed in the concerned Conciliation Committee with the above Contracting Firm. During the final conciliation with the contracting firm on 22.3.2010, Sri P.M.K Raju, GPA Holder of Sri P.V. Krishna Prasad, Contractor, has agreed for an amount of Rs.12,50,000/- as full and final settlement of all claims. Accordingly, he has given his consent on the notarized affidavit declaring that he will withdraw all legal proceedings pending in the Hon`ble Court or any legal forms if any, in respect of the above subject work after realization.

3. Government after careful examination of the matter, hereby accord sanction for an amount of Rs.12,50,000/- (Rupees Twelve lakhs fifty thousand only) as full and final settlement of Arbitral Award dated. 29.08.1990 Judgment and decree dt.07.07.2004 in O.P No.281/92 in respect of work relating to "Earth work excavation of Vempadu Major (Head reach) from Km. 9.800 to Km. 10.500 in Block No.21/11" carried out by Sri P.M.K Raju, G.P.A Holder of Sri P.V Krishna Prasad, contractor vide Agt. No. 46/SE/NZD/78-79 dated:17.10.1978, subject to withdraw all legal proceedings by the above contracting firm after realization.

4. The amount sanctioned at para (3) above shall be debitable to the following detailed Head of Account: "MH 2701-M&MI; -01 MIC; -MH 101 – NSP ;– GH. 11 – N.S Plan; – SH 27 C&D; -530 Major works; -531 other expenditure"

5. The Engineer-in-Chief (Irrigation) I & CAD Department, Hyderabad is directed to deposit the above sanctioned decretal amount in the respective Court duly deducting the amounts that are recoverable on whatsoever account.

6. This order issues with the concurrence of Finance (W&P) Department vide their U.O No. 3815/F2(1)/10-1, dated: 21.08.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Engineer-in-Chief (Irrigation) I&CAD Deptt., Jalasoudha Building, Errum Manzil, Hyderabad.

The Chief Engineer, Nagarjuna Sagar Project, Camp Office, Jalasoudha Building, Errum Manzil, Hyderabad.

Sri P.M.K Raju, R/o 546, Panchamahala, 2nd floor, Renuka Enclave, Somajiguda, Hyderabad.

Copy to: The Finance (W&P) Department./The I&CAD (P&B) Department.

The Accountant General, A.P., Hyderabad.

The Learned Advocate General, High Court Buildings, A.P., Hyderabad.

The Government Pleader for Arbitration, High Court of A.P., Hyderabad.

SF/SCs

//Forwarded::Byorder//

SECTION OFFICER